

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KEITH ADAIR DAVIS,

Plaintiff,

v.

WASHINGTON STATE
DEPARTMENT OF CORRECTIONS,
et al.,

Defendants.

CASE NO. 3:16-CV-05129-BHS

ORDER VACTING REPORT AND
RECOMMENDATION

The District Court referred this 42 U.S.C. § 1983 action to United States Magistrate Judge David W. Christel. Plaintiff Keith Adair Davis, proceeding *pro se* and *in forma pauperis*, filed the civil rights Complaint on February 19, 2016. *See* Dkt. 1.

Plaintiff was instructed to amend his Complaint on or before June 10, 2016. Dkt. 9. Plaintiff's Amended Complaint was received by the Clerk's Office on June 24, 2016. *See* Dkt. 11. Between the date the Amended Complaint was received by the Clerk's Office and the date it was docketed, the undersigned entered a Report and Recommendation recommending Plaintiff's case be dismissed for failure to file an amended complaint. *See* Dkt. 10, 11. As Plaintiff has now

1 filed an Amended Complaint, the undersigned vacates the Report and Recommendation (Dkt.
2 10) and will consider the case in light of the Amended Complaint.

3 Dated this 29th day of June, 2016.

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5 David W. Christel
6 United States Magistrate Judge
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